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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PHILLIP MAYS,)	CIVIL ACTION NO. 3:15-CV-02731-MEJ
Plaintiff,)	
)	
v.)	MOTION FOR A SECOND EXTENSION
)	OF TIME FOR DEFENDANT TO FILE
CAROLYN W. COLVIN, Acting)	STATEMENT OF FACTS AND CROSS-MOTION
Commissioner of Social Security,)	FOR SUMMARY JUDGMENT; ORDER THEREON
Defendant.)	
)	

Defendant respectfully requests a second extension of time of 30 days to file her statement of the administrative record and cross-motion for summary judgment and opposition to Plaintiff's motion. The current due date is February 17, 2016. The new due date will be March 18, 2016.

This is the second continuance sought by Defendant. There is good cause for this request. Since Defendant's previous request for an extension of time, Defendant's counsel's continued to have a heavy workload including a follow-up briefing for a hearing for an Equal Employment Opportunity Commission (EEOC) case in December 2015; additional discovery, including depositions conducted in December and January, for a second EEOC case; traveling for a Ninth Circuit appellate oral argument in early February 2016; preparing a ninth circuit brief due in February 2016; and was recently given an emergency assignment last week for an additional EEOC matter, that requires a short-turn around response on February 18, 2016, the day after the

1 original due date of Defendant's cross-motion for summary judgment, and which could not be
2 assigned to another attorney. She also has a continuing full workload of conducting discovery
3 and briefing for two EEOC cases the rest of February and March.

4 Despite Defendant's counsel's efforts to be diligent and her extending other cases to
5 facilitate her finishing this case and other pressing deadlines, she still needs more time to prepare
6 Defendant's response to Plaintiff's Statement of the Record, which Defendant does not agree with
7 and must provide a detailed corresponding statement of fact, which has proven to be more time-
8 consuming than anticipated – as well as prepare her cross-motion for summary judgment and
9 opposition to Plaintiff's motion for summary judgment.

10 Because of the factors described above, defense counsel is requesting additional time up
11 to March 18, 2016, to fully review the administrative record and prepare her statement of the
12 administrative record and research the issues presented by Plaintiff's memorandum in support of
13 Plaintiff's motion for summary judgment. Defendant apologizes for any inconvenience caused by
14 the delay in the filing of Defendant's cross-motion and response to Plaintiff's motion for
15 summary judgment. This request is made in good faith with no intention to unduly delay the
16 proceedings.

17 On February 16, 2016, Defendant's counsel emailed Plaintiff's counsel Nancy McGee
18 regarding this request. Ms. McGee stated that she would not agree to a second extension.

19 Respectfully submitted,

20 MELINDA L. HAAG
21 United States Attorney

22 Dated: February 17, 2016

23 By s/ Carolyn B. Chen
24 CAROLYN B. CHEN
25 Special Assistant U.S. Attorney

26 Attorneys for Defendant

27 ORDER
28

PURSUANT TO MOTION, IT IS SO ORDERED. All deadlines are adjusted accordingly.

DATED: February 24, 2016


HON. MARIA-ELENA JAMES
UNITED STATE MAGISTRATE JUDGE